

2003 Annual Grievance Report to the Legislature

MICHIGAN SUPREME COURT
State Court Administrative Office
Friend of the Court Bureau

June 2004

The Friend of the Court Bureau, within the State Court Administrative Office (SCAO), was created by the Michigan Legislature pursuant to the Friend of the Court Act (PA 294 of 1982). Among its duties, the Bureau is responsible for collecting data and information on local friend of the court operations. This includes information related to friend of the court grievances.

MCL 552.519(3)(d) requires the Bureau to compile and to annually issue a grievance report to the Legislature containing a summary of grievances received by local friend of the court offices. This grievance report indicates whether the grievances were resolved or outstanding. In fulfillment of this statutory requirement, each year the Bureau prepares and forwards a grievance report to the Legislature. This 20th Annual Grievance Report covers the period from January 1 through December 31, 2003.

In February 2003, the SCAO initiated efforts to improve the grievance process. As part of those efforts, the SCAO issued Administrative Memorandum 2003-03, "Friend of the Court Complaint and Grievance Procedure." This Administrative Memorandum expanded the definition of grievances to include any written complaint whether or not the complainant identified the complaint or inquiry as a grievance. The SCAO also worked with local and state elected officials to encourage them to advise individuals who complained about friend of the court matters to use the grievance process. In 2003, 1,355 grievances were filed with friends of the court. This represents a 59 percent increase from the number of grievances filed during the preceding reporting year. Based on the 2002 friend of the court caseload (the most current complete year data available), there was an average of 1 grievance filed for every 515 cases.

Grievances at times address issues not covered by the statutory grievance procedure, such as the substance of a trial court ruling, a recommendation of the friend of the court, or an issue that is the responsibility of another agency. Even though the friend of the court accepts and responds to the grievance, these issues are considered non-grievable. A single grievance containing multiple issues may contain combinations of responses. For example, a single grievance could address both employee related and office procedures. The response could acknowledge in part some of the issues and find other issues to be non-grievable.

In this report, responses to grievances are listed in four categories: acknowledged in full, acknowledged in part, denied, and non-grievable issue. As reported by friends of the court, 212 were acknowledged in full, 288 were acknowledged in part, 708 were denied, 44 were pending, and 111 were determined to be non-grievable issues.

There were 1,963 separate complaints/issues stated on the 1,355 grievances filed in 2003. Of the total number of grievances filed 70 percent were related to office operations and 30 percent were related to employees. Of the total number of complaints/issues 30 percent (582) were employee related, 47 percent (914) were support related, 6 percent (116) were related to parenting time, 3 percent (52) were related to custody, 2 percent (24) were gender related, and 14 percent (275) were considered "other." There were 44 grievances pending at the time the friends of the courts provided the grievance information to the State Court Administrative Office.

Local friends of the court changed office operations 39 times as a result of the grievances filed in 2003. Seventy-six separate actions were taken involving employees.

2003 ANNUAL GRIEVANCE REPORT TO THE LEGISLATURE

GLOSSARY OF TERMS

TOTAL FILED: Number of grievances filed in each office during the reporting year of January 1 through December 31.

PENDING: Number of grievances not resolved during the reporting year.

GRIEVANCE RESPONSE:

A/F: Acknowledged in full - merit in grievance.

A/P: Acknowledged in part - merit in part of grievance.

D: Denied - no merit in grievance.

NG: Non-grievable - issue does not come under the grievance procedure.

PR: Pending response - number of grievances not resolved during the reporting year.

Dupl: Duplicate - same party filed a grievance on the same issue.

Same Party/
New Grievance: Same party filed a prior grievance dealing with items not addressed in current grievance.

GRIEVANCE REGARDING:

Employee: Number of grievances filed which included an employee problem.

Office Operations:

Support: Number of grievances in which support related problems were at issue.

Parenting Time: Number of grievances in which parenting time problems were at issue.

Custody: Number of grievances in which custody concerns were at issue.

Other: Number of grievances in which other concerns such as change of domicile, locate activities, etc., were at issue.

GRIEVANCE RESULTS:

Chg. Policy/Ops.: Change in Office Operation - grievances resulted in change in office operation.

Personnel Action: Grievances resulted in personnel or employee action.

Footnotes: A grievance may involve both an employee and office operations. Therefore, total grievances filed does not equal the total number of employee-related grievances plus the total number of office operation-related grievances.

A grievance may involve multiple issues that require the friend of the court to select combinations of responses. Therefore, the total number of grievances filed does not equal the total number of responses selected.

County	Grievance Comparisons and Totals					Grievance Responses						Multiple Grievances		Grievance Type Category						Grievance Results		
	2002 Caseload	2003 Total Filed	Total Filed in 2002	Percentage Change from 2002	2003 Ratio to Cases	Response over 30 days	A/F	A/P	D	NG	Number Pending 12/31	Dupl.	Same Party New Grievance	Empl.	Supp.	Par. Time	Cust.	Gend. Based	Other	Chg. Policy /Ops.	Pers. Action	No Action
ALCONA/ ARENAC/ IOSCO/ OSCODA	2,492	15	1	14	1 : 166	1	2	2	12	1	0	0	0	9	7	4	0	1	6	1	3	17
ALGER	405	1	0	100%	1 : 405	0	0	0	1	0	0	0	0	1	0	0	0	0	1	0	0	1
ALLEGAN	5,022	19	16	19%	1 : 264	0	1	3	14	1	0	0	0	8	6	6	0	0	3	0	0	19
ALPENA/ MONTMORENCY	3,741	5	3	67%	1 : 748	0	0	0	4	1	0	0	0	2	0	0	4	0	0	0	5	0
ANTRIM/ GRAND TRAVERSE/ LEELANAU	6,345	13	11	18%	1 : 488	0	0	1	7	5	0	0	0	9	6	3	0	1	0	0	0	13
BARRY	3,740	7	3	133%	1 : 534	0	1	0	6	0	0	0	1	3	4	1	1	0	1	0	0	7
BAY	7,939	7	2	250%	1 : 1134	3	0	0	0	0	3	1	0	2	4	3	2	0	0	0	0	4
BENZIE FTR(Failed to Report	900	F T R	3																			
BERRIEN	17,092	3	11	-73%	1 : 5697	1	0	2	1	0	0	1	0	1	2	1	0	0	0	0	0	3
BRANCH	3,182	4	2	100%	1 : 796	0	0	0	1	2	0	0	0	0	2	0	0	0	2	0	0	2
CALHOUN	15,068	31	39	-21%	1 : 486	1	1	1	22	5	0	9	2	9	15	3	0	0	18	0	0	22
CASS	3,756	3	5	-40%	1 : 1252	0	0	0	3	0	0	0	0	3	0	1	0	0	1	0	1	3
CHARLEVOIX	1,470	4	1	300%	1 : 368	0	0	0	2	2	0	0	0	2	0	0	0	0	2	0	0	4
CHEBOYGAN/PRESEQUE ISLE Failed to Report	1,770	F T R	3																			
*CHIPPEWA	FTR	1	2	-50%	1 :	1	0	0	1	0	0	0	0	1	1	0	0	0	0	0	0	1
**CLARE	2,058	3	2	50%	1 : 686	0	0	0	3	1	0	0	0	2	0	0	1	0	0	0	3	0
CLINTON	2,887	8	1	700%	1 : 361	0	0	0	7	0	0	1	0	6	4	1	1	0	2	0	0	7
DELTA	2,221	2	6	-67%	1 : 1111	1	1	0	1	0	0	0	0	0	2	0	0	0	0	0	0	2
DICKINSON	1,332	0	0	0%	0 : 1332	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
*EATON	FTR	9	11	-18%	1 :	0	0	4	2	0	3	0	0	3	0	0	1	0	7	2	2	2
EMMET	1,489	1	3	-67%	1 : 1489	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	1
GENESEE	53,730	81	30	170%	1 : 663	17	21	1	75	0	1	1	0	43	64	18	4	2	33	19	1	79
GLADWIN	1,378	5	0	500%	1 : 276	0	0	0	3	5	0	1	0	5	5	2	0	2	0	0	0	5
GOGEBIC	FTR	3	1	200%	1 :	1	0	1	0	2	0	0	0	3	1	0	0	0	2	1	1	2
GRATIOT	2,613	1	4	-75%	1 : 2613	0	0	0	1	0	0	0	1	0	0	0	0	0	1	0	0	1
HILLSDALE	3,396	2	5	-60%	1 : 1698	0	0	1	1	0	0	0	0	1	1	1	0	0	0	1	0	1
HOUGHTON/ BARAGA/ KEWEENAW	1,952	3	1	200%	1 : 651	0	0	0	0	2	0	0	0	1	0	1	0	0	1	0	0	2
HURON	1,700	3	1	200%	1 : 567	1	0	0	2	0	1	0	0	0	3	0	0	0	0	0	0	0
INGHAM	25,963	52	33	58%	1 : 499	3	4	4	40	5	0	2	0	5	42	7	2	0	2	0	1	50
IONIA	4,853	7	8	-13%	1 : 693	4	0	2	6	1	0	0	0	5	4	3	0	0	1	1	0	7

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IRON	580	0	4	-100%	0 : 580	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ISABELLA	2,665	5	1	400%	1 : 533	0	0	0	0	0	0	0	0	3	1	1	0	0	0	0	0	0	5
JACKSON	13,578	23	13	77%	1 : 590	15	0	2	21	0	0	0	0	12	16	4	2	2	10	0	0	0	23
KALAMAZOO	18,523	30	4	650%	1 : 617	3	0	3	22	6	0	0	1	5	16	2	0	0	9	0	2	28	
KENT	FTR	66	62	6%	1 :	6	2	13	39	6	6	3	2	19	38	7	2	2	9	1	2	57	
LAKE Failed to Report	FTR	F T R	0																				
LAPEER	6,069	18	21	-14%	1 : 337	1	0	1	13	4	0	0	2	13	6	1	0	2	2	0	1	17	
LENAWEE	6,606	25	11	127%	1 : 264	3	2	3	13	15	0	1	15	21	15	1	1	2	10	1	1	23	
LIVINGSTON	6,531	10	14	-29%	1 : 653	0	0	5	5	0	0	0	0	8	4	2	1	0	2	0	2	2	
LUCE/MACKINAC	1,047	2	2	0%	1 : 524	0	0	0	0	0	0	0	0	1	1	0	0	0	1	0	0	1	
MACOMB	36,983	50	52	-4%	1 : 740	0	0	2	43	3	0	0	6	41	27	3	0	2	2	0	0	0	
MANISTEE	1,420	4	4	0%	1 : 355	3	0	1	3	0	0	0	0	1	4	0	0	0	0	1	0	3	
MARQUETTE	2,970	0	2	-100%	0 : 2970	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
MASON	1,827	5	2	150%	1 : 365	0	2	3	0	0	0	0	0	3	4	0	1	0	0	0	3	2	
MECOSTA	3,575	8	1	700%	1 : 447	0	0	1	7	0	0	0	0	1	5	0	1	0	1	0	0	8	
*MENOMINEE	1,590	0	0	0%	0 : 1590	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
MIDLAND	4,184	2	6	-67%	1 : 2092	0	0	0	0	0	0	0	0	1	2	0	0	0	0	0	0	0	
MONROE	9,592	4	5	-20%	1 : 2398	1	0	1	3	0	0	0	0	2	3	1	0	0	1	0	0	0	
*MONTCALM	5,122	3	3	0%	1 : 1707	1	0	0	3	2	0	0	0	0	2	0	0	1	0	0	0	3	
MUSKEGON	19,373	21	25	-16%	1 : 923	6	5	1	10	1	2	0	0	3	11	2	1	2	0	0	5	12	
NEWAYGO	5,130	3	0	300%	1 : 1710	2	2	1	0	0	0	0	0	4	0	1	0	0	2	2	3	0	
OAKLAND	50,482	124	89	39%	1 : 407	19	9	25	92	3	0	7	23	93	47	10	3	0	32	1	35	115	
OCEANA	2,065	3	8	-63%	1 : 688	0	2	2	0	2	0	0	1	1	1	0	0	0	2	2	2	1	
ONTONAGON Failed to Report	524	F T R	0																				
OSCEOLA	1,985	2	2	0%	1 : 993	0	0	0	1	1	0	0	0	0	1	1	0	0	0	0	0	2	
OTSEGO/ CRAWFORD/ KALKASKA	3,766	3	4	-25%	1 : 1255	2	0	1	2	1	0	0	0	1	1	1	0	0	3	0	0	3	
OTTAWA	12,137	40	28	43%	1 : 303	1	6	8	21	4	1	0	1	22	21	1	2	1	4	0	0	0	
ROSCOMMON/OGEMAW	3,859	9	9	0%	1 : 429	0	0	1	8	0	0	0	0	2	7	0	0	0	0	0	0	8	
SAGINAW	23,240	10	11	-9%	1 : 2324	0	0	0	11	0	0	0	1	10	5	4	3	0	1	0	0	11	
ST. CLAIR	11,463	5	14	-64%	1 : 2293	0	1	0	4	0	0	0	1	5	3	2	1	0	0	1	0	4	
ST. JOSEPH	4,198	5	2	150%	1 : 840	0	0	0	4	1	0	0	0	2	2	1	0	0	0	0	0	4	
SANILAC	3,033	1	2	-50%	1 : 3033	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	1	

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*SCHOOLCRAFT	565	0	1	-100%	0 : 565	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SHIAWASSEE	5,613	10	1	900%	1 : 561	6	0	1	8	1	0	0	1	5	6	0	0	0	2	1	0	8
TUSCOLA	3,298	5	3	67%	1 : 660	0	0	0	4	1	0	0	0	3	2	0	0	0	0	0	0	5
VANBUREN	5,696	15	13	15%	1 : 380	8	2	3	6	1	4	0	0	13	8	0	0	1	1	1	1	9
WASHTENAW	18,517	31	24	29%	1 : 597	1	0	2	23	9	1	3	7	24	14	3	2	2	8	3	1	26
WAYNE	218,257	509	197	158%	1 : 429	0	148	186	121	12	22	8	11	126	462	11	15	1	89	0	1	59
WEXFORD/ MISSAUKEE	2,949	11	4	175%	1 : 268	4	0	0	4	5	0	0	0	12	5	2	1	0	1	0	0	11
TOTAL	697,506	1,355	852	59%	1 : 515	116	212	288	708	111	44	38	76	582	914	116	52	24	275	39	76	706

*This county only submitted a report for the first six months of 2003.

**This county only submitted a report for the last six months of 2003.

For the puposes of this report, grievances reported in 2002 were adjusted based on Public Act 92 that changed the alignment of the counties.

2003 ANNUAL GRIEVANCE REPORT TO THE LEGISLATURE

Attachment A: Grievance Form

Original - Friend of the court/Chief judge/
Citizen Advisory Committee
1st copy - Grieving party (with response)
2nd copy - SCAO (with response)
3rd copy - Grieving party (on filing)

Approved, SCAO

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

FRIEND OF THE COURT GRIEVANCE
☐ Friend of the Court ☐ Chief Judge
☐ Citizen Advisory Committee

THIS SPACE FOR COURT USE ONLY
CASE NO.:
GRIEVANCE NO.:
DATE RECEIVED:

Friend of the Court address

Telephone no.

Plaintiff's name and address

v

Defendant's name and address

County: _____ This grievance is about

- ☐ employee(s).
- ☐ office operations.
- ☐ a decision based on gender rather than the best interests of the child.

STATEMENT OF GRIEVANCE:

Date

Your telephone no.

Signature

SEE INSTRUCTIONS ON BACK OF FORM

INSTRUCTIONS FOR GRIEVANCE FORM

The friend of the court grievance procedure is to be used if you have a complaint regarding the actions of an employee or office operations of the friend of the court office. **A judge's or referee's decision and an order of the court are not issues to be handled through the grievance procedure.**

A grievance shall first be filed in writing with the friend of the court. If you are not satisfied with the decision of the friend of the court, you may file a further grievance, in writing, with the chief judge.

The friend of the court/chief judge will investigate and respond to your grievance in a reasonable period of time. If the response cannot be given within 30 days, you will be given a reason why the response is not possible within that time.

You may also file a grievance regarding friend of the court office operations with your local Citizen Advisory Committee at any time during the proceedings. The Citizen Advisory Committee cannot consider grievances about office employees or a court or office decision or recommendation regarding a specific case. The Citizen Advisory Committee cannot correct problems it discovers. Instead, it will advise the friend of the court, the court, or the county board of the problems in its discretion.

When filling out this grievance form, you should type or press firmly to assure all copies are readable. In the alternative, you may photocopy the appropriate number of copies of the completed form. You must also:

1. Provide the names and addresses of the parties in the court case. This will assist the friend of the court, chief judge, or Citizen Advisory Committee in identifying your case.
2. Name of the county where your domestic relations case is located.
3. Check the appropriate box for the type of complaint (grievance).
4. State your complaint, providing specific details, dates, names, and other important information.
5. Mail or deliver the completed form to the friend of the court, the chief judge's office, or the Citizen Advisory Committee office, whichever is appropriate. Keep the last copy (third copy) for your records.

Release of Information:

MCR 3.218(B) states: A party, third-party custodian, guardian, guardian ad litem or counsel for a minor, lawyer-guardian ad litem, and an attorney of record must be given access to friend of the court records related to the case, other than confidential information.

MCR 3.218(C) states: A citizen advisory committee established under the friend of the court act, MCL 552.501 et seq.; MSA 25.176(1) et seq.: 1) shall be given access to a grievance filed with the friend of the court, and to information related to the case, other than confidential information; 2) may be given access to confidential information related to a grievance if the court so orders, upon clear demonstration by the committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well-being of a child involved in the case.

"Confidential information" means any of the following: staff notes from investigations, mediation sessions, and settlement conferences; Family Independence Agency protective service reports; formal mediation records; communications from minors; friend of the court grievances filed by the opposing party and the responses; a party's address or any other information if release is prohibited by a court order; except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency, subject to the express written condition that it remain confidential; and all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 et seq.

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Attachment B: Statute Describing Grievance Process

MCL 552.526. Grievance procedure

Sec. 26.

- (1) A party to a domestic relations matter who has a grievance concerning office operations or employees shall utilize the following grievance procedure:
 - (a) File the grievance, in writing, with the appropriate friend of the court office. The office shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the office shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
 - (b) A party who is not satisfied with the decision of the office under subdivision (a), may file a further grievance, in writing, with the chief judge. The chief judge shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the court shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
- (2) Each office shall maintain a record of grievances received and a record of whether the grievance is decided or outstanding. The record shall be transmitted not less than biannually to the bureau. Each office shall provide public access to the report of grievances prepared by the bureau under section 19.
- (3) In addition to the grievance procedure provided in subsection (1), a party to a domestic relations matter who has a grievance concerning office operations may file, at any time during the proceedings, the grievance in writing with the appropriate citizen advisory committee. In its discretion, the citizen advisory committee shall conduct a review or investigation of, or hold a formal or informal hearing on, a grievance submitted to the committee. The citizen advisory committee may delegate its responsibility under this subsection to subcommittees appointed as provided in section 4a.
- (4) In addition to action taken under subsection (3), the citizen advisory committee shall establish a procedure for randomly selecting grievances submitted directly to the office of the friend of the court. The citizen advisory committee shall review the response of the office to these grievances and report its findings to the court and the county board, either immediately or in the committee's annual report.
- (5) The citizen advisory committee shall examine the grievances filed with the friend of the court under this section and shall review or investigate each grievance that alleges that a decision was made based on gender rather than the best interests of the child.
- (6) If a citizen advisory committee reviews or investigates a grievance, the committee shall respond to the grievance as soon as practicable.
- (7) A grievance filed under subsection (3) is limited to office operations, and the citizen advisory committee shall inform an individual who files with the committee a grievance that concerns an office employee or a court or office decision or recommendation regarding a specific case that such a matter is not a proper subject for a grievance.

2003 ANNUAL GRIEVANCE REPORT TO THE LEGISLATURE

SUPPLEMENT:

2002 Citizen Advisory Committee Report to the Legislature

Citizen Advisory Committee Supplement

State Court Administrative Office Friend of the Court Bureau 2003 Citizen Advisory Committee Report to the Legislature

This report summarizes the history and current status of friend of the court citizen advisory committees (CAC). Included are summaries of the CACs' authorizing legislation and court rules, other factors that have impacted CAC development, and an evaluation of CAC activities during 2003.

Historical Perspective

1996, PA 366 modified the Friend of the Court Act (MCL 552.501, et seq.) by establishing a CAC in each county. The CAC legislation (MCL 552. 504a) provided duties for the CAC as follows:

- “(a) Meet not less than 6 times annually. The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.
- (b) Review and investigate grievances [see Attachment A for State Court Administrative Office Grievance Form] concerning the friend of the court as provided in section 26.¹
- (c) Advise the court and the county board on the office of the friend of the court's and the friend of the court's duties and performance, and on the community's needs relating to the office's services.
- (d) At the end of each calendar year, submit an annual report of its activities to the county board, court, state court administrative office [*sic*], governor's office, standing senate and house committees, and appropriations subcommittees that are responsible for legislation concerning the judicial branch.”

The legislation also called for the State Court Administrative Office (SCAO) to perform staff and support functions for CACs (MCL 552.504[6]), to evaluate the activities and functioning of the committees, and to identify problems impeding their activities and functions (MCL 552.519[3][d][iii]).

¹ Section 26 addresses procedures for handling friend of the court grievances, and for citizen advisory committee review of those grievances (see Attachment B).

Citizen Advisory Committee Supplement

SCAO's Friend of the Court Bureau (SCAO/FOCB), based on MCL 552.504(6) and with direction from the Supreme Court, provides technical assistance to CACs. This includes developing an informational brochure and consulting with committee members, county executives, legislative representatives, and other interested parties. The SCAO/FOCB has also developed the annual reporting forms used by CACs (see Attachment C).

As in past years, many counties have been reluctant to create and maintain CACs due to the added cost of the staffing and other support requirements (such as travel, copying, and other office expenses). Historically counties have taken the position that they cannot implement an advisory committee unless the costs are reimbursed by the state and on-site staff support is provided by the SCAO/FOCB. The sponsor of 1996 PA 366 has indicated that the legislation did not intend that SCAO provide on-site staff support for each county committee or reimburse counties for other CAC costs. The last legislation introduced regarding funding for CACs was in 1998 (SB 994). It would have provided additional SCAO funding to develop a detailed CAC operation manual and provide annual training for local citizen advisory committee members. That legislation did not pass.

Prior to 2001, counties were reluctant to implement a CAC due to limited access to friend of the court records. The statute was amended in 1998 (see Attachment D) and the court rule was amended effective April 1, 2001, (see Attachment E) to allow CACs greater access to friend of the court records.

Evaluative Summary

The FOCB was created within SCAO by the Friend of the Court Act in 1982. Later, the 1996 CAC legislation expanded SCAO/FOCB's duties by requiring an annual evaluative summary of the activities and function of each CAC, the aggregate activities of all CACs and any problems that impede CACs' ability to satisfy the users of CAC services (MCL 552.519[D][iii]).

The summary is divided into five sections: Activities for Each Committee; Activities for All Committees; Problems Impeding Efficiency; Table of Counties Who Did Not Submit Reports; and Conclusions.

The SCAO/FOCB mailed out the annual reporting forms to each county and existing CACs on December 12, 2003. The SCAO/FOCB later surveyed by e-mail and telephone/FAX the friends of the court in counties that failed to submit a report or provide comments regarding the status of their CACs. The majority of counties had simply failed to form a committee or had allowed their committee to become inactive. The following bulleted list shows the status of CACs in Michigan. The data came from written reports, correspondence, and the other contacts with the counties.

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Counties that have formed a CACs:

- 30 counties formed CACs since 1997, but 20 of those were not active in 2003.
- 9 CACs are actively meeting
- 7 CACs reported 2003 activities to the SCAO/FOCB
- 2 CACs were actively meeting but did not report 2003 activities
- 21 counties have inactive committees

As noted above, many counties have failed to establish a CAC. Written comments provided by the counties with currently inactive committees indicate that there were three reasons for the inactivity: 1) lack of funding; 2) lack of business; and 3) vacant positions on the committee.

CACs in Ingham, Ionia, Kent, Livingston, Macomb, Oakland, and Oceana, filed reports for 2003. The following information is drawn from these reports.

A. Summary of Activities of Each Citizen Advisory Committee

MCL552.519(3)(d)(i) requires “an evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each citizen advisory committee during the preceding year.”

Ingham County

The Ingham CAC submitted a partial report. It did not state the number of times the committee met, or say how the CAC advised the county about the performance of the friend of the court. There were three grievances filed directly with the Ingham CAC. The committee appointed one member to review grievances that were filed directly with the friend of the court.

Ionia County

The Ionia CAC met six times in 2003. Minutes were submitted to the county board after each CAC meeting. The CAC advised the county board of the friend of the court's duties and performance by submitting an annual written report and appearing at board meetings. No grievances were filed with the CAC. The committee reviewed all eight grievances that were filed directly with the friend of the court.

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Kent County

The Kent County CAC submitted a partial report. The report did not indicate the number of times the committee met, or how it communicated with the court or county. The Kent County CAC held no informal hearings, but did form subcommittees to review grievances. Three grievances were filed directly with the committee. Of the grievances filed with the friend of the court, the committee selected 12 grievances for committee review.

Livingston

The Livingston County CAC met less than six times. Minutes of its meetings were submitted to the county board and were included with the annual report. The committee provided the chief circuit court judge and the friend of the court director with written reports and correspondence regarding the Livingston County Friend of the Court's duties and performance. In 2003, the Livingston CAC held one informal hearing to review the single grievance filed with the committee. The committee selected for review six grievances that were filed directly with the friend of the court.

Macomb County

The Macomb County CAC met 7-12 times in 2003. The CAC submitted its minutes and annual report to the county board at the end of the year. The CAC reviewed 17 grievances (only one of which was filed with the CAC). The other grievances were filed directly with the friend of the court. Of those grievances randomly selected for review, eight alleged that a decision was made based on gender rather than the best interests of the child. One grievance that was forwarded to the committee was not reviewed, because it was outside the scope of the committee's review authority under the statute.

Oakland County

The Oakland County CAC did not use the SCAO reporting forms, but did submit an annual report. The committee has met 13 times since July 23, 2002. The committee reviewed grievances, but its report did not state the number. Some members of the committee attended county commission meetings to advise the county about the CAC's activity. One member of the Oakland County CAC served on the county Friend of the Court Director selection committee.

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Oceana County

The Oceana County submitted a partial report which indicated that the committee received one grievance. No other information was provided.

B. Summary of the Activities of All Citizen Advisory Committees

MCL 552.519 (3)(d)(ii) requires “an evaluative summary, supplemented by applicable quantitative data, of the aggregate of all citizen advisory committees in the state during the preceding year.”

Meetings Held – The statute requires that CACs: *“Meet not less than 6 times annually.”* The statute also requires the committee to record its minutes. *The citizen advisory committee shall keep minutes of each meeting and submit a copy to the county board.”* MCL 552.504a(1)(a).

The following summary is organized based on the committee functions outlined in 1996 PA 366. The percentages are based on the number reporting CACs. One committee (14 percent) met less than six times (Livingston). One committee (14 percent) met six times (Ionia). Two (29 percent) of the committees meet between 7-12 times (Oakland, and Macomb). Three (43 percent) of the counties (Ingham, Kent, and Oceana) did not indicate how many times the committees met in 2003.

After each CAC meeting, the Ionia, Livingston, and Macomb CACs submitted their minutes to their county boards. In addition to minutes, the Ionia CAC also provided written reports and attended county board meetings. The Livingston CAC provided a written report to its county board, and also forwarded its written correspondence to the friend of the court. The other counties did not indicate how they advised their county board or their circuit court.

Grievance Review and Investigation - “Review and investigate grievances concerning the friend of the court as provided in section 26,” MCL 552.504a(1)(b).

MCL 552.526(3) provides that a party to a domestic relations matter who has a grievance concerning friend of the court **office operations** may file the grievance at any time during the proceedings with the county CAC. Ingham, Kent, Livingston, Macomb, and Oceana CACs (71 percent of the reporting counties) had grievances filed directly with the committees.

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Ingham County

The Ingham County CAC received three grievances. The committee's report did not provide any further information. The committee also appointed one member to review grievances filed with the friend of the court.

Kent County

The Kent County CAC had three grievances filed directly with the committee. One grievance was a duplicate grievance. Of the three grievances filed directly with the CAC, there were three child support issues, one custody, one parenting time, and one issue identified as "other." The committee evaluated only two of the three grievances. The CAC partially agreed with one grievance and disagreed with the other grievance. There were no recommendations to change policy, operations, or state law by the committee.

Livingston County

The Livingston County CAC received one grievance directly. It raised support issues and issues identified as "other." The committee was unable to evaluate the grievance because necessary information was not forwarded by the grievant. There were no recommendations to change policy, operations, or state law.

Macomb County

The Macomb County CAC received one grievance directly. It raised support issues. The grievance was not considered an office operations issue, thus was rejected. There were no recommendations to change policy, operations, or state law.

Oceana County

The Oceana County CAC received one grievance directly. The issues raised were considered, "other." The committee rejected the grievance. The committee made no recommendations to change policy, operations, or state law.

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Summary of Grievances Filed with the CACs

Nine grievances were filed directly with CACs in 2003. They raised four child support issues, one parenting time issue, one custody issue, and three issues considered “other.” The Ingham CAC did not categorize the issues raised in the three Ingham CAC grievances.

Grievances Filed with Friends of the Court and Reviewed by the CACs.

MCL 552.526(4) requires CACs to establish procedures for randomly selecting for review some grievances submitted directly to the friend of the court office. The CAC must review the grievance and the friend of the court’s response, and then report its findings to the circuit court and the county board.

Because few grievances were filed directly with the friends of the court, all the reporting CACs, except for Macomb reviewed all the grievances. This complies with the SCAO/FOCB’s recommendations for selecting grievances to review. “When there are not enough grievances for random selection, fewer than 20, the CAC is to receive and review all grievances”(see Attachment F).

- Ingham County CAC selected 52 grievances.
- Ionia County CAC selected 8 grievances.
- Kent County CAC selected 12 grievances.
- Livingston County CAC selected 6 grievances.
- Macomb County CAC randomly selected 16 grievances.

The 94 grievances filed directly with the friends of the court, and reviewed by these six CACs raised the following issues: support (63); parenting time (12); custody (5); and “other”(35). “Other” means the grievance was not considered to involve child support, parenting time, custody, or gender. NOTE: A grievance can contain more than one issue. Committee members expressed full agreement with the friend of the court as to 25 of the grievances and partially agreed on another three remaining. NOTE: Only the Kent, Livingston, and Macomb CACs provided information about their evaluation of grievances. The remaining 66 were not reviewed in detail for various reasons.

MCL 552.526(5) requires CACs to examine grievances filed with the friend of the court that allege that a decision was based on gender rather than the best interests of the child. Only Macomb County’s CAC reported conducting that kind of review. In total, Macomb County’s CAC reviewed eight grievances that involved gender bias. Of those, there were five support

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issues, two parenting time issues, and six issues considered “other.” The CAC fully agreed with the FOC on all eight gender bias grievances.

Annual Report - *“At the end of each calendar year, submit an annual report of activities to the county board, court, state court administrative office, governor’s office [sic], standing senate and house committees, and appropriations subcommittees that are responsible for legislation concerning the judicial branch,” MCL 552.504a(1)(d).*

Seven CACs submitted annual reports to the SCAO.

C. Problems Impeding Citizen Advisory Committee Efficiency

MCL 552.519 (3)(d)(iii) requires *“an identification of problems that impede the efficiency of the activities and functioning of the citizen advisory committees and the satisfaction of the users of the committees’ services.”*

CACs were asked to identify problems that have impeded the efficiency of their functions, activities, and satisfaction of the users. The following were noted by the active CACs that filed reports.

- Limited scope of statutory authority.
- The majority of the community’s issues deal with legal decisions.
- Not having a quorum.
- Unfilled vacancies on the committee.
- The CACs are an unfunded mandate.
- Lack of central office and storage facilities.
- The public is unaware of the CAC’s actual authority. The CAC cannot address many issues. This leaves the public confused about the value of the CAC.

D. Counties That Did Not Submit Reports

<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Alcona	No	No	No Report
Alger	No	No	No Report
Allegan	No	No	No CAC
Alpena	No	No	No CAC

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<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
Antrim	No	No	No Report
Arenac	Yes	No	Inactive CAC
Baraga	No	No	No Report
Barry	No	No	No CAC
Bay	No	No	No CAC
Benzie	Yes	Yes	Active CAC
Berrien	No	No	No Report
Branch	No	No	No Report
Calhoun	No	No	No Report
Cass	Yes	No	Inactive CAC
Charlevoix	No	No	No Report
Cheboygan	No	No	No Report
Chippewa	No	No	No CAC
Clare	No	No	No Report
Clinton	No	No	No Report
Crawford	No	No	No Report
Delta	No	No	No Report
Dickinson	No	No	No CAC
Eaton	No	No	No Report
Emmet	Yes	No	Inactive CAC
Genesee	Yes	No	Inactive CAC
Gogebic	No	No	No CAC
Gladwin	No	No	No CAC
Grand Traverse	No	No	No Report
Gratiot	No	No	No CAC
Hillsdale	No	No	No Report
Houghton	No	No	No Report.
Huron	No	No	No CAC
Iosco	No	No	No Report
Iron	No	No	No Report
Isabella	Yes	No	“Our county formed a friend of the court citizen

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<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
			advisory committee, but it is not actively meeting.”
Jackson	Yes	No	No Report
Kalamazoo	Yes	No	“Kalamazoo County disbanded the Friend of the Court Citizen Advisory Committee earlier this year because it did not seem to serve a purpose.”
Kalkaska	No	No	No Report
Keweenaw	No	No	No Report
Lake	No	No	No CAC
Lapeer	No	No	No Report
Leelanau	No	No	No CAC
Lenawee	No	No	No Report
Luce	No	No	No Report
Mackinac	Yes	No	Inactive CAC
Manistee	No	No	No CAC
Marquette	Yes	No	“Our county formed a friend of the court citizen advisory committee, but it is not actively meeting.”
Mason	Yes	No	“Our county formed a friend of the court citizen advisory committee, but it is not actively meeting.”
Mecosta	No	No	No Report
Menominee	No	No	No Report
Midland	Yes	Yes	Active CAC
Missaukee	No	No	No Report
Monroe	Yes	No	Inactive CAC
Montcalm	Yes	No	Inactive CAC
Montmorency	No	No	No CAC
Muskegon	No	No	No CAC
Newaygo	No	No	No CAC
Ogemaw	No	No	No Report
Ontonagon	No	No	“Our county never appointed a friend of the court

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<u>County</u>	<u>Formed CAC</u>	<u>Active CAC</u>	<u>Remarks/Comments by County Officials</u>
			citizen advisory committee due to lack of state funding for this committee.”
Osceola	No	No	No CAC
Oscoda	No	No	No Report
Otsego	No	No	No Report
Ottawa	Yes	No	Inactive CAC
Presque Isle	No	No	No CAC
Roscommon	No	No	No CAC
Saginaw	Yes	No	Inactive CAC
Sanilac	Yes	No	Inactive CAC
Schoolcraft	No	No	No CAC
Shiawassee	Yes	No	Inactive CAC
St. Clair	Yes	No	Inactive CAC
St. Joseph	No	No	No CAC
Tuscola	Yes	No	Inactive CAC
Van Buren	Yes	No	Inactive CAC
Washtenaw	Yes	No	Inactive CAC
Wayne	No	No	No Report
Wexford	Yes	No	Inactive CAC

E. Conclusions

Based on information provided to the SCAO, no Michigan counties implemented a CAC in 2003. Kalamazoo and Washtenaw Counties disbanded their CACs in 2003.²

In the 30 counties that have implemented CACs since the statute went into effect only nine CACs are actively meeting. Seven of these submitted reports to SCAO. Of the seven CACs that provided reports only three indicated they are meeting six or more times as required

² Barry County has reported to the SCAO this year that it never formed a CAC. In previous years Barry County has indicated it did form a CAC but it was not actively meeting.
Marquette County has indicated that a CAC was formed but was not actively meeting in 2003.
In previous years Marquette County has indicated a CAC was never formed.

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by the statute.

Five CACs had a total of nine grievances filed directly with them. These five also reviewed 94 grievances filed directly with the friend of the court.

As in past years, many CACs have indicated that inadequate funding, unfilled vacancies, and lack of quorum have hindered the committees' progress. Based on comments provided by CACs it appears that the public is confused regarding the CACs' authority and the types of issues that the committee may consider.

The State Court Administrative Office will continue to work with individual counties by providing technical assistance in establishing committees.

Citizen Advisory Committee Supplement

Attachment A: SCAO Grievance Form

Original - Friend of the court/Chief judge/
Citizen Advisory Committee
1st copy - Grieving party (with response)
2nd copy - SCAO (with response)
3rd copy - Grieving party (on filing)

Approved, SCAO

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

FRIEND OF THE COURT GRIEVANCE
☐ Friend of the Court ☐ Chief Judge
☐ Citizen Advisory Committee

THIS SPACE FOR COURT USE ONLY
CASE NO.:
GRIEVANCE NO.:
DATE RECEIVED:

Friend of the Court address

Telephone no.

Plaintiff's name and address

v

Defendant's name and address

County: _____ This grievance is about

- ☐ employee(s).
- ☐ office operations.
- ☐ a decision based on gender rather than the best interests of the child.

STATEMENT OF GRIEVANCE:

Date

Your telephone no.

Signature

SEE INSTRUCTIONS ON BACK OF FORM

INSTRUCTIONS FOR GRIEVANCE FORM

The friend of the court grievance procedure is to be used if you have a complaint regarding the actions of an employee or office operations of the friend of the court office. **A judge's or referee's decision and an order of the court are not issues to be handled through the grievance procedure.**

A grievance shall first be filed in writing with the friend of the court. If you are not satisfied with the decision of the friend of the court, you may file a further grievance, in writing, with the chief judge.

The friend of the court/chief judge will investigate and respond to your grievance in a reasonable period of time. If the response cannot be given within 30 days, you will be given a reason why the response is not possible within that time.

You may also file a grievance regarding friend of the court office operations with your local Citizen Advisory Committee at any time during the proceedings. The Citizen Advisory Committee cannot consider grievances about office employees or a court or office decision or recommendation regarding a specific case. The Citizen Advisory Committee cannot correct problems it discovers. Instead, it will advise the friend of the court, the court, or the county board of the problems in its discretion.

When filling out this grievance form, you should type or press firmly to assure all copies are readable. In the alternative, you may photocopy the appropriate number of copies of the completed form. You must also:

1. Provide the names and addresses of the parties in the court case. This will assist the friend of the court, chief judge, or Citizen Advisory Committee in identifying your case.
2. Name of the county where your domestic relations case is located.
3. Check the appropriate box for the type of complaint (grievance).
4. State your complaint, providing specific details, dates, names, and other important information.
5. Mail or deliver the completed form to the friend of the court, the chief judge's office, or the Citizen Advisory Committee office, whichever is appropriate. Keep the last copy (third copy) for your records.

Release of Information:

MCR 3.218(B) states: A party, third-party custodian, guardian, guardian ad litem or counsel for a minor, lawyer-guardian ad litem, and an attorney of record must be given access to friend of the court records related to the case, other than confidential information.

MCR 3.218(C) states: A citizen advisory committee established under the friend of the court act, MCL 552.501 et seq.; MSA 25.176(1) et seq.: 1) shall be given access to a grievance filed with the friend of the court, and to information related to the case, other than confidential information; 2) may be given access to confidential information related to a grievance if the court so orders, upon clear demonstration by the committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well-being of a child involved in the case.

"Confidential information" means any of the following: staff notes from investigations, mediation sessions, and settlement conferences; Family Independence Agency protective service reports; formal mediation records; communications from minors; friend of the court grievances filed by the opposing party and the responses; a party's address or any other information if release is prohibited by a court order; except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency, subject to the express written condition that it remain confidential; and all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 et seq.

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Attachment B: Statute Describing Grievance Process

MCL 552.526. Grievance procedure

Sec. 26.

- (1) A party to a domestic relations matter who has a grievance concerning office operations or employees shall utilize the following grievance procedure:
 - (a) File the grievance, in writing, with the appropriate friend of the court office. The office shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the office shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
 - (b) A party who is not satisfied with the decision of the office under subdivision (a), may file a further grievance, in writing, with the chief judge. The chief judge shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the court shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.
- (2) Each office shall maintain a record of grievances received and a record of whether the grievance is decided or outstanding. The record shall be transmitted not less than biannually to the bureau. Each office shall provide public access to the report of grievances prepared by the bureau under section 19.
- (3) In addition to the grievance procedure provided in subsection (1), a party to a domestic relations matter who has a grievance concerning office operations may file, at any time during the proceedings, the grievance in writing with the appropriate citizen advisory committee. In its discretion, the citizen advisory committee shall conduct a review or investigation of, or hold a formal or informal hearing on, a grievance submitted to the committee. The citizen advisory committee may delegate its responsibility under this subsection to subcommittees appointed as provided in section 4a.
- (4) In addition to action taken under subsection (3), the citizen advisory committee shall establish a procedure for randomly selecting grievances submitted directly to the office of the friend of the court. The citizen advisory committee shall review the response of the office to these grievances and report its findings to the court and the county board, either immediately or in the committee's annual report.
- (5) The citizen advisory committee shall examine the grievances filed with the friend of the court under this section and shall review or investigate each grievance that alleges that a decision was made based on gender rather than the best interests of the child.
- (6) If a citizen advisory committee reviews or investigates a grievance, the committee shall respond to the grievance as soon as practicable.
- (7) A grievance filed under subsection (3) is limited to office operations, and the citizen advisory committee shall inform an individual who files with the committee a grievance that concerns an office employee or a court or office decision or recommendation regarding a specific case that such a matter is not a proper subject for a grievance.

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Attachment C: CAC Reporting Forms

CITIZEN ADVISORY COMMITTEE REPORT OF ACTIVITIES

Citizen Advisory Committee _____ Circuit Court _____ County	Reporting Period January 1 - December 31 _____ Year Note: This report is due January 15 of each year	Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909
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A. Regular Meetings MCL 552.504a(1)1. Number

- ☐ Less than 6
☐ 6
☐ 7 to 12
☐ 13 or more

2. Frequency

- ☐ weekly
☐ bi-weekly
☐ monthly
☐ bi-monthly
☐ other (specify)

3. Advice Given to County Board and Court

a. Minutes:

- ☐ were submitted to county board after each meeting.
☐ were not submitted to county board after each meeting. (Explain below)

b. The court and county board were advised on the office of the friend of the court's duties and performance by: (Attach reports or summary of information)

Means of AdviceFrequency of Advice

- ☐ written reports
☐ appearance at board meetings
☐ meetings with court
☐ other (specify)

B. Investigation of Grievances1. Party Request MCL 552.526(3) (Attach SCAO 28b)

- ☐ Informal hearings were held. Number of hearings held: _____
☐ Formal hearings were held. Number of hearings held: _____
☐ Subcommittee(s) were created to review grievances

2. Randomly Selected MCL 552.526(4) (Attach SCAO 28c) (Describe below the procedure for randomly selecting grievances)3. Decisions Allegedly Based on Gender Rather than Best Interests of the Child MCL 552.526(5) (Attach SCAO 28c)**C. Citizen Advisory Committee Functions**

1. List any services provided by the Citizen Advisory Committee not addressed in Parts A. and B. above.

2. The efficiency of the Citizen Advisory Committee's activities and functioning, and the satisfaction of users of the Committee's services, were impeded by the following problems: MCL 552.519(3)(d)(iii)

CITIZEN ADVISORY COMMITTEE GRIEVANCE RECORD
(Grievances Filed Directly with Citizen Advisory Committee)

Citizen Advisory Committee _____ Circuit Court _____ County				Reporting Period January 1 - December 31 _____ Year				Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909								
				Note: This report is due January 15 of each year												
Grievance no./ Case no.	Date Rec'd.	Date Resp'd.	Multiple Grievances	Types of Grievances Issues					Grievance Rejected	Evaluation			Recommendation	Codes		
														<div style="font-size: small;"> Multiple Grievances DG = Duplicate grievance SP = Same party, new grievance Types of Issues Raised S = Support PT = Parenting Time C = Custody GB = Gender based decision O = Other Grievances Rejected N = Not operations O = Other Grievance Evaluation F = Agree with all of grievance P = Partially agree with grievance D = Disagree with all of grievance Recommendation CO = Change local policy or operation CL = Change law or state policy </div>		
Reporting Period Totals			DG	SP	S	PT	C	GB	O	N	O	F	P	D	CO	CL

Number of grievances filed: _____

Number of grievance responses pending: _____

Pending less than 30 days: _____

Pending over 30 days: _____

Date _____

Signature _____

CITIZEN ADVISORY COMMITTEE REVIEW OF FOC GRIEVANCES
 (Grievances Reviewed by Citizen Advisory Committee: Random Selection / Gender Based Decisions)

Citizen Advisory Committee _____ Circuit Court _____ County				Reporting Period January 1 - December 31 _____ Year				Mail original to: Friend of the Court Bureau State Court Administrative Office PO Box 30048 Lansing, MI 48909							
Grievance no. and Case no.				Reason for Evaluation		Multiple Grievances		Types of Issues		Evaluation		Codes			
												Reason for Evaluation R = Random selection GB = Gender based decision Multiple Grievances DG = Duplicate grievance SP = Same party, new grievance Types of Issues Raised S = Support PT = Parenting Time C = Custody O = Other Grievance Evaluation F = Agree with FOC P = Partially agree with FOC D = Disagree with FOC GB = Find FOC decision based on gender			
Reporting Period Totals				R	GB	DG	SP	S	PT	C	O	F	P	D	GB
												M	F		

Date _____

Signature _____

Citizen Advisory Committee Supplement

Attachment D: Public Act 551 of 1998

Act No. 551
Public Acts of 1998
Approved by the Governor
January 19, 1999
Filed with the Secretary of State
January 22, 1999
EFFECTIVE DATE: March 1, 1999

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senators Geake, Steil, Gougeon, Bouchard, Dingell, V. Smith, Peters and Shugars

ENROLLED SENATE BILL No. 841

AN ACT to amend 1982 PA 294, entitled "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts," (MCL 552.501 to 552.535) by adding sections 4b and 4c.

The People of the State of Michigan enact:

Sec. 4b. (1) Except as provided in subsections (2), (3), and (4), and under the chief judge's supervision, the office shall provide the citizen advisory committee with a grievance filed as provided in section 26 and access to records and information necessary for the committee to perform its functions as prescribed by this act, including the following:

(a) Case records and other information pertaining to the case of a party who has filed a grievance with the citizen advisory committee.

(b) Information regarding the procedures used by the office to carry out its responsibilities as defined by statute, court rule, or the bureau.

(c) Information regarding the administration of the office of the friend of the court office, including budget and personnel information.

(2) The following information shall not be provided to a citizen advisory committee:

(a) Information defined as confidential by supreme court rule.

(b) Case information subject to confidentiality or suppression by specific court order, unless the court that issued the order of confidentiality determines, after notice to the parties and an opportunity for response, that the requested information may be made available to the citizen advisory committee without impairing the rights of a party or the well-being of a child involved in the case.

(3) A citizen advisory committee shall be provided a judge's or referee's notes pertaining to a case only at the chief judge's express direction.

(4) A citizen advisory committee has access to records of a mediation session only if the court determines, after notice to the parties and an opportunity for a response, that access would not impair the rights of a party to the case or the well-being of a child involved in the case.

(5) Upon request of a citizen advisory committee and under the chief judge's supervision, the office shall annually provide the committee with information pertaining to a random sampling of grievances. If requested by the committee

and at the supreme court's direction, the state court administrative office shall assist the office in devising a statistically significant random sampling.

Sec. 4c. (1) A citizen advisory committee, its members, and its staff shall consider as confidential a record or other information to which they have access in order to perform their functions under this act and shall properly safeguard its use and disclosure.

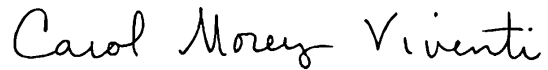
(2) A person listed in subsection (1) who discloses a record or other information described in subsection (1) is guilty of a misdemeanor.

(3) A citizen advisory committee member's unauthorized disclosure of a record or information described in subsection (1) is grounds for removal from the committee.

(4) A committee staff member's unauthorized disclosure of a record or information described in subsection (1) is grounds for dismissal.

Enacting section 1. This amendatory act takes effect March 1, 1999.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved _____

Governor.

Citizen Advisory Committee Supplement

Attachment E: Amended Michigan Court Rule 3.218

Order

Michigan Supreme Court
Lansing, Michigan

Entered: December 8, 2000

Elizabeth A. Weaver,
Chief Justice

Michael F. Cavanagh
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Clifford W. Taylor
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Robert P. Young, Jr.
Stephen J. Markman,
Justices

99-61

Amendments of
Rule 3.218 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rule 3.218 of the Michigan Court Rules are adopted, to be effective April 1, 2001.

[The present language is amended as indicated below.]

Rule 3.218 Access to Friend of the Court Records

- (A) General Definitions. When used in this subrule, unless the context indicates otherwise,
 - (1) "records" means paper files, computer files, microfilm, microfiche, audio tape, video tape, and photographs;
 - (2) "access" means inspection of records, obtaining copies of records upon receipt of payment for costs of reproduction, and oral transmission by staff of information contained in friend of the court records;
 - (3) "confidential information" means
 - (a) staff notes from investigations, mediation sessions, and settlement conferences;
 - (b) ~~Department of Social Services~~ Family Independence Agency protective services reports;

- (c) formal mediation records;
 - (d) communications from minors;
 - (e) friend of the court grievances filed by the opposing party and the responses;
 - (f) a party's address or any other information if release is prohibited by a court order; ~~and~~
 - (g) except as provided in MCR 3.219, any information for which a privilege could be claimed, or that was provided by a governmental agency subject to the express written condition that it remain confidential; and
 - (gh) all information classified as confidential by the laws and regulations of title IV, part D of the Social Security Act, 42 USC 651 et seq.
- (B) A party, third-party custodian, guardian, guardian ad litem or counsel for a minor, lawyer-guardian ad litem, and an attorney of record must be given access to friend of the court records related to the case, other than confidential information.
- (C) A citizen advisory committee established under the Friend of the Court Act, MCL 552.501 et seq.; MSA 25.176(1) et seq.,
- (1) shall be given access to a grievance filed with the friend of the court, and to information related to the case, other than confidential information;
 - (2) may be given access to confidential information related to a grievance if the court so orders, upon clear demonstration by the committee that the information is necessary to the performance of its duties and that the release will not impair the rights of a party or the well-being of a child involved in the case.

When a citizen advisory committee requests information that may be confidential, the friend of the court shall notify the parties of the request and that they have 14 days from the date the notice was mailed to file a written response with the court. If the court grants access to the

information, it may impose such terms and conditions as it determines are appropriate to protect the rights of a party or the well-being of a child.

- (~~ED~~) Protective services personnel from the ~~Department of Social Services~~ Family Independence Agency must be given access to friend of the court records related to the investigation of alleged abuse and neglect.
- (~~DE~~) The prosecuting attorney and personnel from the Office of Child Support and the ~~Department of Social Services~~ Family Independence Agency must be given access to friend of the court records required to perform the functions required by title IV, part D of the Social Security Act, 42 USC 651 et seq.
- (~~EF~~) Auditors from state and federal agencies must be given access to friend of the court records required to perform their audit functions.
- (~~FG~~) Any person who is denied access to friend of the court records or confidential information may file a motion for an order of access with the judge assigned to the case or, if none, the chief judge.
- (~~GH~~) A court, by administrative order adopted pursuant to MCR 8.112(B), may make reasonable regulations necessary to protect friend of the court records and to prevent excessive and unreasonable interference with the discharge of friend of the court functions.

Staff Comment: The December 7, 2000 amendments of MCR 3.218, effective April 1, 2001, are consistent with changes made effective March 1, 1999, to the Child Custody Act, MCL 722.21 et seq.; MSA 25.312(1) et seq., and the Friend of the Court Act, MCL 552.501 et seq.; MSA 25.176(1) et seq.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 8, 2000

Corbin R. Davis

Clerk

Citizen Advisory Committee Supplement

Attachment F: Recommendation for Random Sampling of Grievances

Random Selection of Grievances

Public Act 551 requires, upon request of a Citizen Advisory Committee(CAC) and under the chief judge's supervision that the Friend of the Court shall annually provide the Committee with information pertaining to a random sampling of grievances. If requested by the Committee and at the Supreme Court's direction the state Court Administrative Office shall assist the Friends of the Courts in devising a statistically significant random sampling. The State Court Administrative Office recommends the following process for selection of grievances.

The selection of grievances should begin with the first grievance filed in January of each calendar year. Grievances should be maintained in the order they are received. Grievances should be selected based on the number filed the previous year.

The following is an example of the process for selection of grievances: The Friend of the Court received 21 to 30 grievances the previous year, the second grievance filed would be forwarded to the Citizens Advisory Committee and then every other grievance after that. This would result in 10-15 grievances forwarded to the Citizens Advisory Committee.

If 20 or fewer grievances were filed in the previous year, then the CAC should receive all or the grievances from the Friend of the Court Office.

If 21 to 30 grievances were filed in the previous year, then the CAC should receive every other grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 31 to 45 grievances were filed in the previous year, then the CAC should receive every third grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 46 to 60 grievances were filed in the previous year, then the CAC should receive every fourth grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 61 to 75 grievances were filed in the previous year, then the CAC should receive every fifth grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 76 to 100 grievances were filed in the previous year, then the CAC should receive every seventh grievance from the Friend of the Court Office so that 10 to 15 grievances are received annually.

If 101 or more grievances are filed from the previous year, the Friend of the Court should forward to the CAC every 10th grievance so that 10% of the grievances are reviewed.

Once the friend of the court randomly selects a grievance and response, and any other information requested by the Citizens Advisory Committee it should be copied, logged with the litigant's names, case number, date and the name of the Citizen Advisory Committee member it was forwarded to with the envelope marked "CONFIDENTIAL".